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OFFICE OF PETITIONS

In re Application of :
Miroslaw Alznauer et al. :
Application No. 10/630,795 : DECISION ON PETITION
Filed: July 31, 2003 :
Title: CABLE BUSHING :
:

This is a decision on the petition filed November 10, 2003, requesting that a "Notice of Incomplete Nonprovisional Application" mailed October 28, 2003, in the above-identified application be withdrawn and said application be accorded a filing date of July 31, 2003.

The application was deposited on July 31, 2003 without drawings. On October 28, 2003, the Office of Initial Patent Examination, (OIPE) sent a Notice of Incomplete Nonprovisional Application (Notice), setting forth that the application appeared to have been deposited without drawings. The Notice indicated that a filing date had not been accorded, and that a filing date would be accorded upon the depositing of drawings.

In response, on November 10, 2003, Petitioner filed the present petition. The petition is further accompanied by the petition fee, four (4) sheets of drawings, and a copy of applicants' postcard receipt acknowledging receipt of "four (4) sheets drawings" in the United States Patent and Trademark Office (Office) on July 31, 2003. Applicants request that the application, including four (4) sheets of drawings be accorded a filing date July 31, 2003.

Upon review of the record, the above-mentioned drawing sheets have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 31, 2003 included four (4) sheets of drawings, and the drawing sheets containing Figures one through four (1-4) were subsequently misplaced in the Office.

Therefore, the application, including four (4) sheets of drawings, was complete on filing and entitled to a filing date of July 31, 2003, as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed October 28, 2003, was sent in error, and is hereby **VACATED**. Therefore, no petition fee is required. If the petitioner wishes to have the \$130.00 petition fee refunded, he should submit a request for refund to the Office of Finance¹. A copy of this decision should accompany any such request.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 31, 2003, using the original application papers filed on that date, as well four (4) sheets of drawings, submitted with the instant petition.

It is noted that on page one of the petition, Petitioner states that a newly executed declaration will be submitted in the near future. Petitioner is reminded that a declaration is not required to accompany the submission of drawings which are merely copies of that which has already been submitted.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

¹ The Refund Branch processes all customer requests for refunds. It generally takes four to six weeks for a request to be processed and a check generated. All requests for refund should be sent to: Mail Stop 16, Director of the US Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450. Office hours are Monday - Friday from 8:30 AM to 5:00 PM. To check the status of a request that has been filed please contact the Refund Branch directly at 703-305-4229.